

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUND ELECTRICAL WORKERS
HEALTHCARE TRUST, *et al.*,

Plaintiffs,

v.

FARGO ELECTRICAL, INC., *et al.*,

Defendants.

CASE NO. C21-1051-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the stipulated notice of dismissal of Defendant RLI Insurance Company. (Dkt. No. 12). Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a “plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared.” Here, the parties nevertheless request that the Court enter a proposed order filed with their stipulation. (*See* Dkt. No. 12 at 3.)

Although Rule 41 governs dismissal of an “action,” the Ninth Circuit has held that a “plaintiff may dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Here it appears that the parties have stipulated to dismissing all claims against Defendant RLI Insurance Company and the stipulation

1 is signed by all parties who have appeared. (*See* Dkt. No. 12 at 2.) Thus, under Federal Rule of
2 Civil Procedure 41(a)(1)(A)(ii), the stipulation is self-executing.

3 Pursuant to the parties' stipulation, Plaintiff's fourth cause of action against Defendant
4 RLI Insurance Company is dismissed without prejudice and Plaintiff's fifth cause of action
5 against Defendant RLI Insurance Company is dismissed with prejudice. Each party is to bear its
6 own attorney fees and costs.

7 DATED this 4th day of October 2021.

8 Ravi Subramanian
9 Clerk of Court

10 s/Sandra Rawski
11 Deputy Clerk
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